

4558. Misbranding of wine. U. S. \* \* \* v. Henry H. Shufeldt & Co., a corporation. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 6816. I. S. No. 6776-h.)

On December 18, 1915, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Henry H. Shufeldt & Co., a corporation, doing business at Peoria, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about April 1, 1913, from the State of Illinois into the State of Pennsylvania, of a quantity of wine which was misbranded. The article was labeled: (On bottle; cap) "Extra Dry." (Representation of coat of arms.) (Shoulder) "Silver" (picture of a shield—H. H. S. Co.) "Shield" (Principal label) (picture of a shield) "H. H. S. & Co. Silver Shield Extra Select." (On both ends of wooden shipping box): "H. H. S. & Co.—Silver Shield—Extra Select." (On side) "2230."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Solids (grams per 100 cc)-----	4.75
Non-sugar solids (grams per 100 cc)-----	2.27
Reducing sugar, as invert (grams per 100 cc)-----	2.35
Ash (gram per 100 cc)-----	0.29
Volatile acid, as acetic (gram per 100 cc)-----	0.12
Total tartaric acid (gram per 100 cc)-----	0.188
Color (degrees Lovibond, $\frac{1}{4}$ -inch cell)-----	5.0

Opened with heavy pressure—poured with heavy foam—soon flat.

Dark caramel-like color. Not sound. Suggests brandy. Little wine quality.

Product is not of a champagne type, is not extra dry, and is an inferior product.

Misbranding of the article was alleged in the information for the reason that the following statement, "Extra Dry," appearing on a colored tin-foil cap placed over the mouth and neck of the bottle, and the statement, "Silver Shield, Extra Select," appearing on the principal label of the said bottle, and the manner in which the tin-foil cap and label were arranged, were false and misleading in that they indicated to purchasers thereof, and were such as to deceive and mislead purchasers into the belief, that the article was bottle-fermented wine or champagne, when, in truth and in fact, it was not, but was, to wit, an artificially carbonated wine prepared in imitation of bottle-fermented wine or champagne. Misbranding was alleged for the further reason that the article was an artificially carbonated wine, and was an imitation of another article, to wit, bottle-fermented wine or champagne.

On February 25, 1916, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$100 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*